

Appointments and Compensation under the Civil Asset Forfeiture Reform Act of 2000

Congress has passed legislation that provides for the appointment and compensation of counsel to represent claimants in judicial civil forfeiture proceedings commenced on or after August 23, 2000. The Civil Asset Forfeiture Reform Act of 2000 (CAFRA), Pub.L. No. 106-185, was enacted on April 25, 2000. It is codified in part in Title 18 of the United States Code, Section 983. Section 2(b)(1) of the Act authorizes the appointment of counsel, to be paid at CJA rates, for a person claiming an interest in seized property who is financially unable to obtain representation and who is already represented by CJA-appointed counsel in a related criminal case, providing that the person has standing to contest the forfeiture and the claim appears to be made in good faith.

Permission of the court is required for appointments under this section. If you are CJA appointed in a criminal matter and your client has pending a civil forfeiture proceeding, has standing and wishes in good faith to contest the forfeiture, you may write to the presiding judicial officer seeking appointment under this section. Counsel will not be compensated for work in a civil forfeiture proceeding absent authorization by the court.

The case compensation maximum for appointments under this section is \$3,500.00. The CJA Committee has determined and instructed the CJA Supervising Attorney that claims under this section shall not necessarily be viewed as worthy of the compensation maximum. Counsel must not claim time on the CAFRA appointment for work related to the criminal case. For that reason, you may be required to account for the work performed on the civil forfeiture even if your voucher is under the statutory maximum.

If your voucher is reduced by the CJA Supervising Attorney, you may within ten days, submit a request in writing for reconsideration of the denial of compensation to the CJA Supervising Attorney. If the reconsideration is denied, or granted only in part, you may appeal the denial of reconsideration to the presiding judicial officer within 10 calendar days of the notice denying the request for reconsideration. These are the standard appeal procedures for the denial of any compensation claim under the CJA. If you have any questions regarding CAFRA, or representations under the CJA, please contact Donna Shearer at 410-962-7494.